

Remarks:

The above amendments and these remarks are responsive to the final Office action dated November 16, 2005.

Prior to entry of this Amendment, claims 1, 4, 6, 7, 9-16, 19-21 and 25-31 remained pending in the application. Claim 9 has been allowed. Claims 4, 6, 7, 10-16, 19-21 and 25-31 have been rejected under 35 U.S.C §102 and/or 35 U.S.C §103 based variously on Peng et al. (TW Patent No. 500968), Peng et al. (US Patent Application Publication No. 2003/0151922), Rodriguez, Jr. et al. (US 6,802,864), Matsuda et al. (US 6,726,336) and/or Kondo (US 6,250,004). Applicant respectfully traverses these rejections.

Nevertheless, in the interest of furthering prosecution of the present application to issuance, and in view of the allowance of claim 9, applicant has cancelled claims 16, 19, 25, 26, 30 and 31 without prejudice, and has amended claims 1, 6, 7, 10-13 and 27-29 to depend from claim 9. Claims 4, 14 and 15 also now depend from claim 9 by virtue of their existing dependencies. Claims 1, 4, 6, 7, 9-15, 27 and 29 thus are understood to be in allowable form based the Examiner's earlier indication of allowability of claim 9.

Applicant respectfully requests reconsideration of the present application in view of the amendments above and the remarks which follow.

Peng et al. (U.S. Patent Application Publication No. 2003/0151922)

Applicant notes that paragraphs 1, 2, 4, 6 and 8 of the claim rejections under 35 U.S.C §103 (pages 7-13 of the November 16, 2005 Office action) are based at least in part on "Peng et al. (U.S. Patent Application Publication No. 2003/0151922)" (emphasis added). However, in the Office action dated May 27, 2005, the Examiner

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noted applicant's Declaration Under 37 C.F.R. §1.131, and indicated that such declaration was "sufficient to overcome the Peng et al. (U.S. Patent Application Publication No. 2003/0151922) reference." Peng et al. (U.S. Patent Application Publication No. 2003/0151922) thus is not available, and the rejections in the aforementioned paragraphs 1, 2, 4, 6 and 8 (of the claim rejections under 35 U.S.C. §103) must be withdrawn.

It is noted that claim 21 is rejected only under 35 USC §103(a), and only based on "Peng et al. (U.S. Patent Application Publication No. 2003/0151922) in view of Rodriguez, Jr. et al. (U.S. Patent No. 6,082,864)." Accordingly, inasmuch as Peng et al. (U.S. Patent Application Publication No. 2003/0151922) is not available as a reference (as previously acknowledged by the Examiner), claim 21 is understood to be in allowable form.

Rejections under 35 U.S.C. §102

Claims 1, 16, 20, 26, 27, 30 and 31 stand rejected under 35 USC §102(a) based on Peng et al. (TW Patent No. 500968). Claims 1, 4, 13-16, 19, 26-28, 30 and 31 stand rejected under 35 USC §102(b) based on Rodriguez, Jr. et al. (US 6,802,864).

As noted above, claims 16, 19, 26, 30 and 31 have been cancelled without prejudice. Claims 1, 4, 13-15 and 27-29 (as amended) depend from allowable claim 9. Accordingly, of the claims rejected under 35 USC §102, all but claim 20 are addressed.

Regarding claim 20, applicant submits herewith a Second Declaration Under 37 C.F.R. §1.131, which demonstrates applicant's conception and diligent reduction to practice from a time preceding September 1, 2002 (the publication date of Peng et

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al. (TW Patent No. 500968)). The aforementioned declaration was not submitted earlier because the Examiner first cited Peng et al. (TW Patent No. 500968) in the Office action dated November 16, 2005. Applicant previously did submit a Declaration Under 37 C.F.R. §1.131 to address Peng et al. (U.S. Patent Application Publication No. 2003/0151922), which declaration was indicated as sufficient to overcome Peng et al. (U.S. Patent Application Publication No. 2003/0151922).

Claim 20 is rejected only under 35 USC §102(a), and only based on Peng et al. (TW Patent No. 500968). Based on applicant's Second Declaration Under 37 C.F.R. §1.131, Peng et al. (TW Patent No. 500968) is not available as a reference. Accordingly, claim 20 is understood to be in allowable form.

Rejections under 35 U.S.C. §103

Claims 4, 13-15, 19, 21 and 28 stand rejected under 35 USC §103(a) based on Peng et al. (U.S. Patent Application Publication No. 2003/0151922) in view of Rodriguez, Jr. et al. (US 6,802,864). Claims 6, 7 and 25 are rejected under 35 USC §103(a) based on Matsuda et al. (US Patent No. 6,726,336), in view of either Peng et al. (U.S. Patent Application Publication No. 2003/0151922) or Rodriguez, Jr. et al. (US 6,802,864). Claims 10-12 and 29 stand rejected under 35 USC §103(a) based on either Peng et al. (U.S. Patent Application Publication No. 2003/0151922) or Rodriguez, Jr. et al. (US 6,802,864), in view of Kondo (US 6,250,004).

Applicant has cancelled claims 19 and 25 without prejudice. Claims 6, 7, 10-15, 28 and 29 depend from allowed claim 9. Claims 6, 7, 10-15, 28 and 29 thus are understood to be allowable for at least the same reasons as allowed claim 9.

As noted above, claim 21 is rejected only under 35 USC §103(a), and only based on "Peng et al. (U.S. Patent Application Publication No. 2003/0151922) in

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view of Rodriguez, Jr. et al. (U.S. Patent No. 6,082,864)." Accordingly, inasmuch as Peng et al. (U.S. Patent Application Publication No. 2003/0151922) is not available as a reference (as previously acknowledged by the Examiner), claim 21 also is understood to be in allowable form.

Conclusion

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner R. Blackman, Group Art Unit 2851, Assistant Commissioner for Patents, at facsimile number (571) 273-8300 on January 17, 2006.


Christie A. Doolittle

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